

REMARKS

Claims 26-44 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 26-32, 34-41, and 43-44 were rejected under 35 U.S.C. §102(b) as being anticipated by Czerwiec (U.S. Patent No. 5,903,372). Claims 33 and 42 were rejected under 35 U.S.C. §103 as being unpatentable over Czerwiec in view of Briggs (U.S. Patent Application Publication No. 2004/0049795). These rejections are respectfully traversed for the following reasons.

Claim 26 recites a method of providing subscribers with communication services in accordance with their agreements with a service provider. The method comprises determining a first plurality of subscribers to be connected to the service provider via a distribution unit located in an access network, determining an advanced broadband technology to be produced by the distribution unit as a minimal default technology (DABT), in the distribution unit, arranging a second plurality of substantially uniform communication devices for serving the first plurality of subscribers, and providing for each of the subscribers, irrespective of its individual agreement reached with the service provider, an individual permanent communication link for supplying, from one of the communication devices, broadband communication services by using the DABT or a more advanced broadband technology, and enabling each of the plurality of subscribers to receive services in accordance with their respective agreements with the service provider. Claim 35 recites a communication service distribution unit for use in a converged broadband and narrowband access network, comprising a first plurality of

substantially uniform communication devices for serving a second plurality of subscribers associated with the distribution unit, wherein each of the communication devices are configured to provide to its corresponding subscriber either a technologically advanced broadband communication service as a minimal default communication service (DABT), or a more advanced broadband communication service via an individual permanent communication link and wherein the subscribers include at least one narrowband subscriber. These claimed combinations are not taught, disclosed or made obvious by the prior art of record.

First, Applicants note that Czerwiec was referred to by Applicants in the background description, and was described and analyzed in the text (page 3, lines 3-26 of the patent application). Applicants note there that:

U.S. Pat. No. 5,903,372 describes an apparatus for remote addition of video services to subscriber, which comprises an optical network unit (ONU) connected by an optical fiber to a remote terminal such as CO. The ONU is intended for installation in a neighborhood of primary subscribers (those which require only POTS lines) and secondary subscribers (those who order video services). The ONU comprises POTS cards, switchable video cards, dedicated video cards (i.e., combined with POTS), and hard-wired video cards. The subscribers' requirements may change from time to time. The ONU includes a switch matrix card that, being remotely controlled from the CO, is capable of connecting the primary and the secondary subscribers to the service cards and/or their combinations, which respectively suit to the specific current requirements of the subscribers.

Both the installation and maintenance of such an ONU, if installed in a street cabinet, seems to be quite expensive. Furthermore, the number of cards to be installed of each of the types should be decided at the time of installing such ONU, a fact that adds to the problems associated with this solution.

In any of the described cases, determining the optimal ratio between the broadband services and narrowband services in the access networks (i.e., and therefore the mixture of line cards in each distribution unit) is always a multi-parameter task, since it should take

into account the present demand, the technological and sociological trends, as well as various economical factors.

Second, Applicants disagree with the Examiner's opinion that features claimed in Claim 26 and Claim 35 are disclosed in Czerwiec. Applicants invite the Examiner's attention to the distinctive features of Claim 26 (and Claim 35) in comparison with Czerwiec, as follows.

Feature 1. " determining an advanced broadband technology to be produced by the distribution unit as a minimal default technology (DABT)"

Czerwiec does not select a broadband technology as a minimal default technology for a distribution unit (Optical Network Unit ONU). Czerwiec mentions a broadband technology (video services, VDSL -in col. 1, lines 24-30 and in col. 2, lines 13-20), which can be supplied by Czerwiec's ONU to its subscribers. However, Czerwiec does not determine the video services as a minimal, from the point of bandwidth, default technology to be supplied by the ONU.

Feature 2. " in the distribution unit, arranging a second plurality of substantially uniform communication devices to reserve for serving the first plurality of subscribers..."

The Action cites col.2, lines 14-20 and col. 3, lines 11-13. These portions refer to various types of cards: POTS cards, and switchable video cards. The subscribers subscribed for telephony services only may SWITCH to video cards if they later so decide and if the video card is not already used by another subscriber. Czerwiec's ONU comprises a variety of different communication devices or cards (col. 2, lines 18-22) which 1) must be installed in the ONU according to a preliminarily selected proportion (see col. 2, lines 27-31), and 2) must be selectively interconnected so as to provide, to a subscriber, services ordered by the subscriber from a service provider (col. 2, lines 28-34).

In contrast, the distribution unit of the present invention comprises uniform or almost uniform communication devices, and each of them is operative itself to supply to a subscriber (even if it is a narrow band one) services using either the minimal default broadband technology DABT, or a more advanced broadband technology.

Applicant's claims recite individual and constant (unchangeable, i.e., permanent) communication links between the communication devices (cards) and the subscribers, so that each communication device serves its permanent subscriber(s).

One of ordinary skill in the art would understand that:

1. the feature of selecting a minimal default advanced broadband technology DABT for a distribution unit (ONU), **is absent from Czerwiec**,

2. the feature of installing uniform, the DABT enabling cards in the ONU for serving all the subscribers, irrespective of the subscribers' present agreements with a service provider and without the hardly limiting need to select a proportion between different kinds of cards when arranging ONU, **is absent from Czerwiec**;

3. the feature of individual permanent communication link between a subscriber and its ONU card, which link allows providing to the subscriber broadband services up to DABT at any time the subscriber requires and without any dependence on availability/accessibility of additional/alternative video, etc. cards, **is absent from Czerwiec**.

For at least these reasons, Applicant respectfully submits that claims 26 and 35 are patentable over the prior art of record. Briggs does not satisfy the

Appln. No. 10/587,938
Amdt. dated June 30, 2009
Reply to Office action of March 31, 2009

deficiencies noted above with respect to claims 26 and 35. Accordingly, claims 27-32, 36-41 and 43-44, as well as claims 33 and 42, are believed to be patentable over the prior art of record in and of themselves and for the reasons discussed above with respect to claims 26 and 35.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

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